



**Broxtowe
Borough
COUNCIL**

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59
PUBLIC SPACES PROTECTION ORDER

BROXTOWE BOROUGH COUNCIL ALCOHOL CONTROL PUBLIC SPACES
PROTECTION ORDER

THIS ORDER is made by Broxtowe Borough Council ("the Authority") because the Authority is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space:

- Have had or are likely to have a detrimental effect on the quality of life of those in the locality;
- Are or are likely to be, of a persistent or continuing nature;
- Are or are likely to be unreasonable; and
- Justify the restrictions imposed.

Namely the areas of BEESTON NORTH, BEESTON TOWN CENTRE, MANOR PARK RECREATION PARK (TOTON), STAPLEFORD TOWN CENTRE, KIMBERLEY and EASTWOOD TOWN CENTRE delineated red on the attached labelled plans being the "Restricted Areas".

The Authority is satisfied that the following activity has been or is likely to be carried out in the Restricted Areas:

CONSUMPTION OF ALCOHOL

1. RESTRICTIONS/REQUIREMENTS:

You are prohibited from consuming alcohol or having an open container of alcohol in your possession in a public place within the Restricted Areas.

2. PERIOD FOR WHICH THE ORDER HAS EFFECT

This Order will come into force on the 1st day of May 2020 and lasts until the 30th day of April 2023.

At any point before the expiry of this period the Authority can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

3. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 63 of the Anti-Social Behaviour Crime and Policing Act says that where a constable or authorised person reasonably believes that you:

- Are or have been consuming alcohol in breach of this Order; or
- Intend to consume alcohol in breach of this Order.

The constable or authorised person may require you:

- (a) Not to consume, in breach of the Order, alcohol, or anything which the constable or authorised person reasonably believes to be alcohol;
- (b) To surrender anything in your possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol

It is an offence for a person, without reasonable excuse, to fail to comply with a requirement imposed by a constable or authorised person under section 63.

A person guilty of an offence is liable on conviction in the Magistrates' Court to a fine not exceeding level 2 on the standard scale.

The effects of section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 are appended to this Order.

4. FIXED PENALTY

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 21 days to pay the fixed penalty of £75. If you pay the fixed penalty in less than 14 days this will be reduced to £50. Payment of a fixed penalty within the aforementioned time frames discharges liability for the offence and you will not be prosecuted.

5. VALIDITY OF ORDERS

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the Restricted Areas. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an Order is varied by the Authority.

Interested persons can challenge the validity of this Order on two grounds: that the Authority did not have power to make the Order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

Dated.....
The Common Seal of
BROXTOWE BOROUGH COUNCIL
was affixed in the presence of :-

Proper Officer

Name:_____

Position:_____

Officer of the Council

Name:_____

Position:_____

APPENDIX

Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (1) It is an offence for a person without reasonable excuse-
 - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
 - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63)